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Human Rights Council
Twenty-eighth session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Note verbale dated 26 December 2014 from the Permanent Mission of Guatemala to the United Nations Office at Geneva and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of Guatemala to the United Nations Office at Geneva and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit herewith the observations and comments of the Government of the Republic of Guatemala with regard to the report of the United Nations High Commissioner for Human Rights on the activities of his Office in Guatemala (A/HRC/28/3/Add.1), in response to note verbale GUA/39/2014 dated 19 December 2014 from the Office of the High Commissioner.

Pursuant to article V, paragraph 5, of the Agreement between the United Nations High Commissioner for Human Rights and the Government of the Republic of Guatemala on the establishment of an office in Guatemala, "the Government may give its opinion of the report of the High Commissioner referred to in the preceding paragraph, making any observations it deems appropriate on its content, which the High Commissioner will transmit to the Commission on Human Rights" (now the Human Rights Council).

In accordance with the above, the Permanent Mission of Guatemala would appreciate the Office of the High Commissioner taking due account of the attached communication* and distributing it as a document of the Human Rights Council at its twenty-eighth session.

The Permanent Mission of Guatemala to the United Nations Office at Geneva and other international organizations in Geneva takes this opportunity to convey to the Office of the United Nations High Commissioner for Human Rights the renewed assurances of its highest consideration.

* Reproduced in the annex as received, in the language of submission only.

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Anexo

[Español solamente]

Observaciones del Estado de Guatemala al informe anual del Alto Comisionado de las Naciones Unidas para los Derechos Humanos sobre las actividades de su oficina en Guatemala durante 2014

I. Antecedentes

El Estado de Guatemala recibió la versión no editada del Informe del Alto Comisionado de las Naciones Unidas para los Derechos Humanos sobre las actividades de su oficina en Guatemala, que de conformidad con sus lineamientos institucionales atentamente solicita al Estado realizar observaciones al contenido del mismo, los cuales deberán ser enviados antes del 29 de diciembre de 2014.

II. Observaciones del Estado de Guatemala

Párrafo No. 7

Con relación al párrafo 7 sobre que: "Actores de la sociedad civil presentaron amparos en contra de los nombramientos basados en estas irregularidades, y la Corte de Constitucionalidad suspendió provisionalmente los actos de elección de magistrados de la Corte Suprema de Justicia y de la Salas de la Corte de Apelaciones, emitidos por el Congreso".

El Estado de Guatemala considera importante resaltar la garantía del debido proceso a través del Amparo Provisional de la Corte de Constitucionalidad, dictado ante las denuncias de posibles anomalías en el proceso de elección de los Magistrados de la Corte Suprema de Justicia.

Luego del análisis, la Corte de Constitucionalidad el 19 de noviembre de 2014 (Expediente 4639-2014 y acumulados), resolvió los amparos interpuestos Sin Lugar al no encontrar evidencias suficientes que demostraran irregularidades en el proceso de elección. Por lo que, ordenó la juramentación y toma de posesión de los 13 Magistrados electos.

Párrafo No. 15

"El Alto Comisionado saluda la adopción por parte del Gobierno, en octubre de una política de reparación de las violaciones de los derechos humanos de las comunidades desplazadas por la construcción de la hidroeléctrica Chixoy en 1975".

El Estado considera oportuno mencionar que además de la aprobación de la Política Pública de Reparación a las Comunidades afectadas por la Construcción de la Hidroeléctrica Chixoy (Acuerdo Gubernativo 378-2014), también se aprobó en el Presupuesto de Ingreso y Egresos del Estado para el Ejercicio Fiscal 2015 (Decreto 22-2014); la asignación presupuestaria de ciento siete millones de quetzales (Q107,000,000) a la Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos para la ejecución de dicho plan.

El monto total estará distribuido de la siguiente manera: Cuarenta millones (Q40,000,000) para la reparación individual y Q67,000,000 para los proyectos contenidos en el Plan de Reparación (artículo 52).

Párrafo No. 17

Sobre lo indicado "La Corte emitió dos resoluciones en las que declaró a Guatemala en desacato respecto a la obligatoriedad de 13 sentencias dictadas por dicha Corte".

Las resoluciones de la Corte Interamericana de Derechos Humanos (Corte IDH), sobre desacato, 11 se refieren a sentencias sobre las que el Estado ha reconocido responsabilidad y ha pagado reparaciones multimillonarias. Por aparte, los procesos y sanciones penales dependerán de lo que las cortes de jurisdicción penal de Guatemala resuelvan en consideración a las garantías procesales y derechos humanos de los presuntos implicados y a la existencia o no de evidencias que permitan la persecución penal.

Que el Estado de Guatemala no reconozca la competencia de la Corte IDH, en casos cometidos antes de la ratificación de la Convención Americana de Derechos Humanos, no significa que se nieguen los hechos y evada responsabilidades. La razón deriva de la reserva expresa al momento de reconocer exclusivamente la competencia de la Corte IDH para hechos posteriores a 1987 (Acuerdo Gubernativo No. 123-87).

También recuerda que la jurisdicción de la Corte IDH, es de derechos humanos, condena Estados o regula sus conductas, por lo tanto no es una corte penal, ya que no tiene los procedimientos para evaluar pruebas ni evidencias.

La Corte IDH ordena al Estado a investigar y juzgar a los responsables, si hay evidencia las cortes nacionales resolverán de conformidad con la ley. En caso se les aplique a los sindicados alguna de las garantías procesales contenidas en la Convención Interamericana y otros instrumentos internacionales, tales como cosa juzgada, principio de legalidad, irretroactividad de la ley, no significa que el Estado esté evadiendo resolución de la Corte IDH.

Párrafo No. 27

La Oficina del Alto Comisionado para los Derechos Humanos también manifiesta que: "El debate sobre la aplicabilidad de las amnistías continúo. Más del 50% de los magistrados de la Corte de Apelaciones se excusó de conocer una resolución de amparo dictada por la Corte de Constitucionalidad donde se solicitaba argumentar sobre aplicación al ex jefe de Estado, Efraín Ríos Montt del Decreto Ley 8-86 que brinda amnistía para delitos político comunes y conexos…"

La Corte de Constitucionalidad el 18 de diciembre de 2014 (Expedientes acumulados 154-2014; 155-2014; 183-2014 y 239-2014), resolvió que el proceso contra Efraín Ríos Montt, debe reanudarse, y está programada para el 5 de enero de 2015.

En el mismo párrafo, la Oficina del Alto Comisionado indica lo siguiente: "Sin embargo, el Estado continuó invocando la primacía de disposiciones internas de amnistía ante mecanismos regionales e internacionales de derechos humanos".

El largo proceso de negociación iniciado con el compromiso de los Presidentes Centroamericanos en el Acuerdo de Esquipulas sobre poner fin a los conflictos armados internos Centroamericanos mediante el diálogo y la amnistía fue reconocido por la Corte IDH en el voto concurrente del caso Masacre del Mosote, manifestando que la paz como producto de una negociación se ofrece como una alternativa moral y políticamente superior a la paz como producto del aniquilamiento del contrario por lo que el Derecho Internacional debe considerar la paz como un derecho y al Estado como obligado a alcanzarla. También indica que en ciertas situaciones de transito de un conflicto armado hacia la paz, puede

ocurrir que un Estado no se encuentre en posibilidad de materializar plenamente los distintos derechos y obligaciones contraídos internacionalmente, en esas circunstancias no se puede conferir a ninguno de esos derechos y obligaciones un carácter absoluto, el grado de justicia al que se pueda llegar no es un componente aislado sino es parte del proceso de transición hacia la tolerancia y la paz.

La Ley de Reconciliación Nacional[1], emitido el 27 de diciembre de 1996, como parte de los Acuerdos de Paz, y suscrito entre el grupo insurgentes y contrainsurgentes, y con la participación de Naciones Unidas, forma parte de los recursos legales internos, y se basó en la aceptación de amnistía general, a cambio de verdad histórica y reparación, informes de verdad histórica y en el entendido que no individualizaría responsabilidades ni tendría efectos judiciales. Sin embargo, contempla 3 excepciones que el Congreso de la República agregó a la Ley de Reconciliación, que no estaban en los Acuerdos de Paz y que tiene muy poco efecto práctico pues el delito de genocidio es inaplicable a hechos ocurridos durante el enfrentamiento armado y los delitos de desaparición forzada y tortura solo pueden tipificar hechos posteriores a su tipificación en 1996 cometidos con anterioridad, solamente pueden ser tipificados como secuestro, detención ilegal, o lesiones graves y conforme a esa tipificación debe considerarse su prescriptibilidad o amnistía.

Párrafo No. 40

En su informe la Oficina del Alto Comisionado en Guatemala afirma "Se registraron incidentes violentos durante operativos de la policía, fundamentalmente debido a la falta de protocolos operativos, equipo y capacitación adecuada."

Los casos indicados en el Informe del Alto Comisionado (San José del Golfo, Samachoch, Alta Verapaz, Sanarate, El Progreso) están relacionados con la recuperación del espacio público.

El Estado reitera que privilegia los procesos de negociación y diálogo democrático, dando un margen de espera a las acciones institucionales dentro del ámbito de aplicación del Código Penal, que contempla delitos y penas dentro de un escenario de protesta social. Se aplazan órdenes de despejar la vía pública a cambio de favorecer soluciones alternativas a esa problemática.

Así también, aclara que la instrucción de retirar a manifestantes constituye una acción estrictamente relacionada con recuperar el espacio público, por tratarse de un tramo vial en donde se obstaculizaba la libre locomoción, para efectos de despejar la vía pública no se requiere de una orden judicial de desalojo puesto que no se trata de una invasión, ocupación ilegal o usurpación, de conformidad con los presupuestos jurídicos, artículos 256 y 257 del Código Penal guatemalteco[2].

El actuar de la Policía Nacional Civil no se deriva de una acción precipitada del Ministerio de Gobernación sin tomar en cuenta los presupuestos de derechos humanos, el accionar se apega al Protocolo de Actuación Policial en el Mantenimiento y Restablecimiento del Orden Público en Manifestaciones de Carreteras, que instituye buenas prácticas y lineamientos en un contexto de desorden público. Apegándose a normativa nacional y estándares internacionales sobre la materia, es decir, se cumplió con lo siguiente:

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[1] Decreto 145-1996 Ley de Reconciliación Nacional.

[2] Ver Artículo 256 Usurpación, Artículo 257 Usurpación Agravada. Sobre este último, obsérvese inciso c) "Cuando a los poseedores o propietarios del inmueble, sus trabajadores, empleados o dependientes, se les vede el acceso al inmueble o fuesen expulsados del mismo por usurpadores o tuvieren que abandonarlo por cualquier tipo de intimidación que estos ejercen en su contra" ver criterio sobre agravación de la pena que contempla de dos a seis años de prisión.

- Con normas regionales e internacionales de derechos humanos[3];
- Agotó las vías del diálogo y negociación para atender la conflictividad;
- Las personas afectadas por el desalojo tuvieron oportunidad de recurrir a todos los medios jurídicos disponibles para su defensa;
- Agotaron todas las posibilidades que permitan evitar o minimizar la necesidad de recurrir al uso de la fuerza;

Por lo antes expuesto, el Estado considera inapropiada la expresión "**por falta de protocolos operativos**", en virtud que, el Ministerio de Gobernación a través de la Policía Nacional Civil, si contempla entre sus protocolos el proceder de sus agentes en las acciones para despejar la vía pública, siempre y cuando el diálogo y negociación no tienen éxito.

Párrafo No. 46

Sobre lo indicado que "La labor de las defensoras y defensores también ha sido obstaculizado con detenciones y con la apertura de procesos penales…".

El Estado de Guatemala recuerda que los procesos y órdenes de detención son promovidos por el Ministerio Público ante indicios de participación de las personas en hechos delictivos, teniendo que resolver su situación ante los órganos competentes. Ante el ejercicio de la seguridad pública y ciudadana se actúa con el respeto de los derechos fundamentales de la población en general.

Es indispensable subrayar que **no existe desde el Estado de Guatemala, acciones de criminalización a la actuación de los defensores de derechos humanos**, del movimiento o protesta social, puesto que la aplicación del código penal contempla los delitos y penas, y no se dirigen al activismo y a la protesta social, con el fin de debilitarla o desorganizarla. La ley sustantiva penal de Guatemala tipifica hechos o actos cometidos por el sujeto activo, por lo tanto no se dirige a los roles que el individuo desarrolla en la sociedad.

Párrafo No. 58

El informe indica: "Se incrementó la conflictividad ligada a la explotación de recursos naturales en los **territorios indígenas**" ***(resaltado es propio).***

En Guatemala no existe jurídicamente el reconocimiento de los territorios indígenas, solamente se reconoce el territorio guatemalteco, cualquier otro tipo de posesión (individual, colectivo, comunal, etc.), debe registrarse como tal en el Registro Nacional de la Propiedad. El que la población indígena habite no implica que se reconozca como territorio indígena, ya que, el uso del suelo está limitado por las disposiciones sobre propiedad y el subsuelo como los recursos naturales le pertenecen al Estado de Guatemala, sobre el cual ningún ciudadano tiene derecho exclusivo.

[3] Principios Básicos y Directrices sobre los Desalojos y el Desplazamiento Generado por el Desarrollo, A/HRC/4/18, página 11, apartado IV. Durante los Desalojos. Código de Conducta para Funcionarios Encargados de Hacer Cumplir la Ley, artículo 3. Observando el Estado los principios racionales del uso de la fuerza, en cuanto a la racionalidad, oportunidad y proporcionalidad. Normativa y Práctica de los Derechos Humanos para la Policía, Manual Ampliado de Derechos Humanos para la Policía, documentos producidos por la Oficina del Alto Comisionado para los Derechos Humanos de Naciones Unidas, en Guatemala.

III. Conclusiones

El uso de información de datos y estadísticas no oficiales, es decir información recopilada por organizaciones no gubernamentales de derechos humanos, no concuerdan con los datos oficiales, debido a que existen subregistros en la recopilación de los casos.

El Estado de Guatemala organizado democrática y constitucionalmente respeta y garantiza el derecho de asociación, libertad de expresión, resistencia pacífica y objeción de conciencia, por lo tanto, es indispensable subrayar que no existe desde el Estado de Guatemala, acciones de criminalización a la actuación de los defensores de derechos humanos, del movimiento o protesta social, puesto que la aplicación del Código Penal contempla los delitos y penas, y no se dirigen al activismo y a la protesta social, con el fin de debilitarla o desorganizarla.

(Firmado) Antonio Arenales Forno
Presidente

United Nations A/HRC/28/G/2

General Assembly

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2 February 2015

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Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 21 January 2015 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to draw your attention to the fact that, recently, a defector from the North, Sin Tong Hyok, who has pretended to be an "escaper from the prison camp in north Korea", confessed that he had told lies about his past, apologized for misleading people and pledged not to be involved in the "human rights campaign" against the Democratic People's Republic of Korea (DPRK) in the future.

As the Government of the Democratic People's Republic of Korea had clarified on several occasions, Sin is a swindler who had appeared with a false name and career, and no more than a parasite who has prolonged his remaining days by noisily trumpeting the misinformation provided by his masters. Sin has styled himself a "survivor in the prison camp" that does not exist in the Democratic People's Republic of Korea, no more than a sheer lie and a fiction.

What is ridiculous is that the former president George W. Bush, the current Secretary of State John Kerry and other figures in the United States, not content to resort to their desperate anti-DPRK campaign, let even such liars as Sin appear at a "high-level meeting on the situation of human rights in the North" held in New York in 2014 and highly praised him. Moreover, the commission of inquiry (COI) on human rights in the Democratic People's Republic of Korea established by the Human Rights Council invited Sin to testify his false story and composed a report on the basis of false testimonies provided by defectors like Sin as a United Nations document. This reminds us that the former US Secretary of State Powell made up lies with regard to the Iraqi capability of weapons of mass destruction at the august United Nations forum before the US invasion of Iraq.

Sin's admission of his lies goes to prove that everything told by those who claim to be "defectors from the North" cannot be trusted, and that the above-mentioned COI report is peppered with sheer lies. So needless to say, all the "resolutions" on the situation of human rights in the Democratic People's Republic of Korea forcibly adopted by the Human Rights Council and the General Assembly on the basis of such false documents are invalid.

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It is a bitter shame for the United Nations to be involved in the racket against the Democratic People's Republic of Korea on the basis of false information.

I strongly request you to take appropriate measures to put an end to and prevent the reoccurrence of such anti-DPRK plots in the Human Rights Council.

For your information on Sin Tong Hyok's true nature, I would like to inform you of the following links:

www.uriminzokkiri.com/itv/index.php?ppt=record&st=true&no=24362

www.uriminzokkiri.com/itv/index.php?ppt=record&st=true&pagenum=1&bbspage=46&no=24382

I would be grateful if you could kindly have the present letter circulated as a document of the twenty-eighth session of the Human Rights Council, under agenda item 4.

(*Signed*) So Se Pyong

Ambassador, Permanent Representative

United Nations A/HRC/28/G/3

General Assembly

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2 February 2015

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Human Rights Council
Twenty-eighth session
Agenda items 3 and 4
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Human rights situations that require the Council's attention

Letter dated 22 January 2015 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to draw your attention to the alarming issue of the torture crimes by the United States Central Intelligence Agency (CIA), which were revealed by the report of the United States Senate in December 2014.

The CIA torture crimes, which were conducted in the most brutal medieval forms and unanimously denunciated worldwide as the culmination of human rights violations, deserve severe punishment by the international community and need to be urgently addressed in international human rights forums, including the Human Rights Council.

I therefore strongly request that the issue of CIA torture crimes committed by the United States be formally discussed by the Human Rights Council at its twenty-eighth session, including the establishment of an independent commission of inquiry mandated to make thorough investigations of CIA torture crimes and to hold those responsible to account for their most serious human rights violations.

I would be grateful if you would have the present letter circulated as a document of the Human Rights Council.

(*Signed*) So Se Pyong

Ambassador, Permanent Representative

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1501541

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United Nations A/HRC/28/G/4

General Assembly

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18 February 2015

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Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 4 February 2015 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith the letter addressed to the Secretary-General by the Minister of Foreign Affairs of the Democratic People's Republic of Korea (DPRK), H.E. Mr. Ri Su Yong, on 2 February 2015 with regard to the revelation of the falsehood behind the "Report of the Commission of Inquiry on Human Rights in the DPRK", which became the basis of the "human rights resolution" against the DPRK adopted by the General Assembly at its sixty-ninth session (see annex).

It would be appreciated if you could kindly circulate my letter and the annex thereto* as a document of the twenty-eighth session of the Human Rights Council under agenda item 4.

(*Signed*) So Se Pyong

Ambassador, Permanent Representative

* Submitted in English and Korean. Reproduced as received in English only.

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Annex

[English only]

Letter dated 2 February 2015 from the Minister of Foreign Affairs of the Democratic People's Republic of Korea addressed to the Secretary-General

Your Excellency,

I would like to present my compliments to you and write this letter in reference to the revelation of the falsehood behind the "Report of the Commission of Inquiry (COI) on Human Rights in the DPRK" which became the basis of the "Human Rights Resolution" against the DPRK adopted at the 69th session of the UNGA.

The "Report by the COI" was based on "testimonies" by so-called "defectors from the north" and the "testimony" given by the "defector from the north" Sin Tong Hyok was the core of those "testimonies".

Recently, Sin Tong Hyok confessed before the international community that his "testimony" was a fabrication.

This means that the basis for the "Human Rights Resolution" on our country adopted at the 69th session of the UNGA has collapsed and proves the utterly unjust nature of the U.S. and other hostile forces' act of bringing in Sin Tong Hyok and the likes to the UN arena, organizing the anti-DPRK "hearing" and railroading the "Human Rights Resolution.

I would like to remind you of the letters already sent by our Permanent Representatives in New York and in Geneva to Your Excellency, the President of the UNGA, the President of the UNSC and the President of the UNHRC respectively as regards Sin Tong Hyok's admission of giving false "testimony."

Those who cooked up the fraudulent document including the former Chairman of the "Commission of Inquiry" on the human rights situation in the DPRK are spreading the sophism that the "Report of the COI on Human Rights" against the DPRK is based on the "testimonies" of hundreds of "defectors from the north" and Sin Tong Hyok's is only a part of them.

If they manage to present the list of that hundreds of "testifiers" they claim to have interviewed, we are ready to reveal to the whole world the true identities of each and every one of them and the crimes committed and the lies told by them one by one.

In such a case, it will be more evident that the UN arena where the impartiality and objectivity become the principles of activities was misused for the anti-DPRK "human rights" racket and this will result in deeply undermining the confidence the UN enjoys.

I hope Your Excellency Secretary-General will direct your kind attention to the following matters:

First, the anti-DPRK "Human Rights Resolution" of the UN at issue was made up based on falsehood from A to Z.

Second, the initiators of the "resolution" should be held accountable for making the countries that supported the "resolution" fall for the lies.

To this end, I would like to propose the followings to Your Excellency Secretary-General with due courtesy:

1. As the UN arena was reduced to a theatre of anti-DPRK "human rights" racket, I hope Your Excellency will engage yourself in correcting the situation and, for the immediate future, let all the member states of the UN know that the "resolution" adopted at the 69th session of the UNGA is an unlawful one falsely brought up and adopted based on the fabricated information and take due measures to revoke the "resolution".

2. The initiators of the "Resolution" including the EU and Japan have colluded to forcibly adopt the "resolution" by concocting frauds and falsehoods from the beginning and they have not interviewed even a single DPRK citizen while doing so. I hope Your Excellency will urge them to admit this fact by themselves and to apologize for it to the international community.

They have ignored our proposal for talks and framed up the "resolution" based on lies and fabrications. This is a mockery of and an insult to the UN.

If the "resolution" framed up by the EU and Japan with information which was fully proven to be false before the international community is withdrawn, we are willing to actively engage ourselves in talks and cooperation in the field of human rights.

I wish you good health and success in your responsible work.

Please accept, Your Excellency Secretary-General, the assurances of my highest consideration.

(*Signed*) Su Ri Yong

Minister of Foreign Affairs
Democratic People's Republic of Korea

United Nations A/HRC/28/G/5

General Assembly

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Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 5 February 2015 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith the statement made by a spokesperson for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea (DPRK) on 4 February 2015 with regard to the recent remarks made by the "special rapporteur" on the situation of human rights in the DPRK, Marzuki Darusman, during his interview with the Associated Press (AP) on 2 February 2015.[1]

In his interview, Darusman reportedly said that "it would be the first order of the day to get these 80,000 to 100,000 (prisoners) immediately released or these camps disbanded", but "that can only happen if this ... leadership system is completely dismantled" and "is effectively displaced, is effectively removed from the scene, and a new leadership comes into place."

These most malicious remarks debase the dignity of our supreme leadership. It is nothing more than an instigation of the so-called "regime change" in the DPRK, a sovereign State Member of the United Nations.

In this regard, even AP commented in its article that "such blunt words from a high-ranking UN official are unusual, although common among American officials."

It clearly proves that Darusman, instead of being objective, has supported and aligned himself with the attempts by the forces hostile to the DPRK, including the United States, to overthrow the social system of the DPRK.

It is incomprehensible how such a person can be qualified as a United Nations official who should regard the objectivity and impartiality as the lifeline.

[1] See also "DPRK Foreign Ministry Spokesman Blasts Remarks of 'Special Rapporteur' of UN Human Rights Council" and "UN 'Human Rights Resolution' against the Democratic People's Republic of Korea Should Be Retracted: KCNA Commentary", 4 February 2015 (available from the website of the Korean Central News Agency at www.kcna.co.jp/index-e.htm).

I strongly request you to take appropriate measures to make Darusman apologize for his improper remarks and to reconsider his qualification as a United Nations official.

I take this opportunity to reiterate that such "prison camps" mentioned by Darusman have never existed in my country and it has been proved that the story about the existence of such "camps" is only the unreliable, sheer lies based on the false testimonies by the "defectors from the north" like Sin Tong Hyok, who recently confessed that he had told lies about his past and apologized for misleading people.

It would be appreciated if you could kindly circulate my letter as a document of the twenty-eighth session of the Human Rights Council under agenda item 4.

(*Signed*) So Se Pyong

Ambassador, Permanent Representative

United Nations A/HRC/28/G/6

General Assembly

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27 February 2015
English
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Human Rights Council
Twenty-eighth session
Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Note verbale dated 9 February 2015 from the Permanent Mission of the Russian Federation to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Russian Federation to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council and has the honour to enclose herewith the statement by the Council of Federation of the Federal Assembly of the Russian Federation on the seventieth anniversary of the liberation of the Auschwitz concentration camp and the International Day of Commemoration in Memory of the Victims of the Holocaust.

The Permanent Mission requests that the statement be published as a document of the twenty-eighth session of the Human Rights Council and in all official languages of the United Nations.

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Statement of the Federation Council of the Federal Assembly of the Russian Federation in connection with the seventieth anniversary of the liberation of prisoners from the concentration camp at Oświęcim and the International Day of Commemoration in Memory of the Victims of the Holocaust

The Federation Council of the Federal Assembly of the Russian Federation hereby resolves:

1. To adopt the statement of the Federation Council of the Federal Assembly of the Russian Federation in connection with the seventieth anniversary of the liberation of prisoners from the concentration camp at Oświęcim and the International Day of Commemoration in Memory of the Victims of the Holocaust.

2. To transmit the statement to the Inter-Parliamentary Union, the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States, the Parliamentary Assembly of the Collective Security Treaty Organization, the Parliamentary Assembly of the Organization for Security and Cooperation in Europe and the European Parliament.

3. To transmit the statement to the Senate of the Republic of Poland, proposing that it should be supported.

4. The present decision shall enter into force upon the day of its adoption.

Chairman of the Federation Council of the
Federal Assembly of the Russian Federation
V.I. **Matvienko**

Statement of the Federation Council of the Federal Assembly in connection with the seventieth anniversary of the liberation of prisoners from the concentration camp at Oświęcim and the International Day of Commemoration in Memory of the Victims of the Holocaust

Seventy years ago, on 27 January 1945, the Red Army liberated prisoners from Auschwitz-Birkenau concentration camp near the Polish town of Oświęcim. The wholesale destruction in the Nazi death camps of civilians and prisoners of war from a number of ethnic groups — primarily Jews, Gypsies and Slavs — was without historical precedent. On this day we mourn and pay tribute to the memory of those who were ruthlessly annihilated by the Nazi machine.

It is no coincidence that 27 January — the day of the liberation of Oświęcim by the Red Army — was declared the International Day of Commemoration in Memory of the Victims of the Holocaust 10 years ago by resolution of the General Assembly of the United Nations. In the view of the President of the Russian Federation, the unanimous adoption of this resolution expressed the steadfast will of the international community to impart to future generations the truth of the barbaric crimes of Nazism and to protect humanity from the evils of xenophobia, racism and extremism.

The General Assembly resolution on Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, adopted on the initiative of the Russian Federation on 18 December 2014 at the sixty-ninth session of the General Assembly, was intended to preserve historical memory and prevent any attempt to distort or falsify the outcome of the Second World War for political reasons. This is not just our duty, but the duty of the international community to those who gave their lives in the fight against Nazism and for freedom and the triumph of humanist ideals. It is the duty of all States to future generations, who must learn what that great victory cost.

The birth at that time and in the heart of European civilization of a fanatical theory of racial superiority yet shows again that neither technological prowess nor a highly developed culture are guarantees against xenophobia and racism. Humanity must remain vigilant.

The Federation Council of the Federal Assembly of the Russian Federation notes with great concern that attempts are being made over and over again to falsify our common history, to lay equal blame for unleashing the Second World War on Nazi Germany and the Soviet Union and to place both the Nazi executioners and their victims on an equal footing. Even modern-day Europe remains a fertile ground for manifestations of aggression and intolerance on the grounds of race or ethnicity, for trampling on the rights of ethnic minorities and requiring them to assimilate, for making insults against religious symbols and for maintaining the shameful institution of so-called non-citizens.

It is deeply unfortunate that attempts are being made to involve in this destructive process the population of Ukraine, whose head of State has allowed himself to publicly accuse the Soviet Union of "invading" Germany and Ukraine, thereby insulting, first and foremost, the Ukrainian people, who made a unique contribution to the common victory and, in addition, suffered more than other peoples from the Nazi aggression. It is disappointing that the unacceptable and absurd views, lacking any historical basis or moral justification, which are held by members of the current Ukrainian leadership have not yet been condemned by the leaders of major European countries, whose silence recalls the

position of their predecessors concerning the Nazi aggressors on the eve of the Second World War.

The Federation Council of the Federal Assembly of the Russian Federation categorically condemns such insulting and inflammatory rhetoric and calls on those State and civil society figures who share genuine universal human values, without exceptions or double standards, and first and foremost, on colleagues in the parliaments of European countries:

Not to permit insults to the memory of the millions of victims who died during the Second World War due to the crimes of the Nazis and their allies, and to categorically condemn any related plans, particularly acts;

To take action against the glorification of former members of the Waffen SS and former Nazis, neo-Nazis, Fascists and Nazi collaborators (members of the Stepan Bandera group) and against all forms of collaborationism and support for Nazism;

To bring to justice those who deny the existence of the Holocaust and genocide in relation to "non-Aryan" peoples, falsify historical facts, insult the memory of the liberators and glorify the executioners.

The Federation Council of the Federal Assembly of the Russian Federation is convinced that only the collective will of the peoples of the world can stand against the common threat of neo-Nazism and political extremism at State level when power is gained by politicians and forces that profess nationalistic ideas and condone the crimes of the past.

The historic lessons of the Holocaust must be neither forgotten nor falsified.

Federation Council of the
Federal Assembly of the
Russian Federation

United Nations A/HRC/28/G/7

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Agenda item 4
Human rights situations that require the Council's attention

Letter dated 23 February 2015 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith the statement issued by a spokesman for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea (DPRK) on 19 February 2015 (see annex I) and the press statement released by the Permanent Mission of the DPRK to the United Nations on 15 February 2015 (see annex II) with regard to the "Conference on North Korean Human Rights", held in Washington, D.C., the United States of America, on 17 February 2015 under the absurd pretext of the first anniversary of the "report of the UN commission of inquiry" on human rights in the DPRK.

It would be appreciated if you could kindly circulate my letter and the annexes* thereto as a document of the twenty-eighth session of the Human Rights Council under agenda item 4.

(*Signed*) So Se Pyong

Ambassador, Permanent Representative

* Reproduced as received, in the language of submission only.

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Annex I

[English only]

Spokesman for Ministry of Foreign Affairs of the Democratic People's Republic of Korea Denounces U.S. "Human Rights" Racket

A spokesman for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea (DPRK) made public the following statement on 19 February 2015 denouncing the U.S. for making desperate efforts to fan up the atmosphere of pressure upon the DPRK while taking issue with it over the non-existent "human rights" issue:

In Washington on 17 February 2015, the United States (U.S.) held a "conference on human rights" against the DPRK under the absurd pretext of the first anniversary of the "report of the UN Commission of Inquiry" (COI) on the human rights situation in the DPRK.

It was reported that the U.S. staged a farce malignantly slandering the DPRK, repeating the tattered false data, with the "envoy for the human rights issue in north Korea" in the U.S. Department of State, former and incumbent persons of the department and U.S. Congress, the former chairman of the COI and its "special rapporteur" and "defectors from the north" attending.

It has already been brought to light that the "report of COI" and the "human rights resolution" of the UN General Assembly which were cooked up by the U.S. last year were forcibly adopted on the basis of the false testimonies of "defectors from the north".

The inhuman tortures by the Central Intelligence Agency (CIA) of the U.S. and other human rights abuses in the U.S. were disclosed, sparking off big astonishment and resentment of the international community.

The U.S., driven into the tight corner at home and abroad, is kicking up the persistent "human rights" racket against the DPRK in order to escape its poor plight and shift the international accusations and attack onto others.

Great irony is that the U.S. held the nonsensical "conference on human rights" while dreaming of "internal disorganization" though it admitted itself that it has no chance to win military standoff with the DPRK.

As we did at the time when the U.S. held a "meeting of high-ranking officials on human rights in north Korea" before the UN General Assembly last year, we strongly demanded this time the U.S. stop at once such foolish farce and officially informed it of our just stand to take part in the "conference" as the party concerned.

However, the U.S. finally refused to accept our demand only to reveal itself that the "conference" is nothing but a back-street one.

If the U.S. and its allied forces are truly interested in human rights, they should mind their own business by halting plot-breeding racket such as "conference" and their human rights abuses such as tortures in the U.S. and suppression on charges of the violation of the "Security Law" in south Korea, condemned by the world.

The ceaseless despicable anti-DPRK "human rights" racket by the U.S. and its stooges is hardening the will of the service personnel and people of the DPRK to annihilate the enemies.

We are fully ready for any confrontation with the U.S. and will shatter the reckless "human rights" racket by the hostile forces through our toughest reaction.

The moves of the hostile forces to dare provoke the socialist system of the DPRK which was chosen and has been consolidated by the Korean people will not be able to escape disgraceful doom.

Annex II

[English only]

Press statement of the Permanent Mission of the Democratic People's Republic of Korea to the United Nations

The Permanent Mission of the Democratic People's Republic of Korea to the United Nations releases the following press statement with regard to the "Conference on North Korean Human Rights" to be hosted by the United States in Washington D.C.

The United States and south Korea are going to convene so-called "Conference on North Korean Human Rights: the Road Ahead" on 17 February in Washington by bringing together Michael Donald Kirby, former chairman of COI and Marzuki Darusman, the Special Rapporteur on the situation of human rights in the DPRK.

The Permanent Mission of the Democratic People's Republic of Korea to the United Nations condemns the convening of such human rights gathering as a political human rights plot against the DPRK and makes clear its position as follows;

The "Conference on North Korean Human Rights: the Road Ahead " constitutes a product of the hostile policy of the United States against the DPRK, and it is nothing but a rubbish event for the United States to get rid of the predicament driven at home and abroad, due to the recent confession by the defector of the fabrication of his testimony and to the disclosure of CIA's torture crimes.

We made due request to the U.S. on our participation in the gathering, since we are the party directly concerned. But the U.S. ignored our request for participation because they are afraid of disclosure of their plot for fabrication.

The US is advised to clean up its own human rights ravages.

If the U.S. is sincerely interested in human rights, they should, above all, call into question the CIA's torture crimes and the gross human rights violations committed by "national security law" in south Korea, far from clinging to the attempted fabrication of falsehood and plot through such as the kind of above "conference".

The United States does not have qualification at all to talk about human rights situation of other countries, since it is the worst human rights violator in the world.

We, the people of the DPRK are proud of our political and social system chosen by ourselves and we will strongly respond to any attempts to overthrow our system under the pretext of human rights.